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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | |
|-----------------------------|---------------------|
| IN RE NATIONAL PRESCRIPTION | Case No. 17-MD-2804 |
| OPIATE LITIGATION | Hon. Dan A. Polster |
| APPLIES TO ALL CASES | |

- - -

Friday, November 16, 2018

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CONFIDENTIALITY REVIEW

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Videotaped deposition of CHAD DUCOTE, held
at the offices of Mitchell Williams,
4206 South J.B. Hunt Drive, Suite 200, Rogers,
Arkansas, commencing at 8:04 a.m., on the above
date, before Susan D. Wasilewski, Registered
Professional Reporter, Certified Realtime
Reporter and Certified Realtime Captioner.

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| <p>1 ---</p> <p>2 THE VIDEOGRAPHER: We are now on the record.</p> <p>3 My name is Dan Lawlor. I'm a videographer of</p> <p>4 Golkow Litigation Services.</p> <p>5 Today's date is November 16, 2018, and the</p> <p>6 time is 8:04 a.m.</p> <p>7 This video deposition is being held in</p> <p>8 Rogers, Arkansas, in the matter of National</p> <p>9 Prescription Opiate Litigation, MDL Number 2804.</p> <p>10 The deponent is Chad Ducote.</p> <p>11 Counsel will be noted on the stenographic</p> <p>12 record.</p> <p>13 The court reporter is Susan Wasilewski and</p> <p>14 will now swear in the witness.</p> <p>15 THE COURT REPORTER: Sir, would you raise</p> <p>16 your right hand.</p> <p>17 Do you solemnly swear or affirm the</p> <p>18 testimony you're about to give will be the truth,</p> <p>19 the whole truth, and nothing but the truth?</p> <p>20 THE WITNESS: Yes.</p> <p>21 THE COURT REPORTER: Thank you.</p> <p>22 CHAD DUCOTE, called as a witness by the</p> <p>23 Plaintiffs, having been duly sworn, testified as</p> <p>24 follows:</p> <p>25</p> | <p>1 start here. Have you ever sat for a deposition</p> <p>2 before?</p> <p>3 A. Years ago.</p> <p>4 Q. Years ago. So you might know the ground</p> <p>5 rules. I'll go over some basic ones. If I ask a</p> <p>6 question you don't understand, please let me know</p> <p>7 and I'll try to rephrase it.</p> <p>8 A. Okay.</p> <p>9 Q. If you do answer my question, I'll assume</p> <p>10 you understand the question.</p> <p>11 Your answers must be audible, spoken. The</p> <p>12 court reporter can't take down a nod, so we just</p> <p>13 need to have a spoken answer.</p> <p>14 You said you -- you testified in a</p> <p>15 deposition years ago?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall what that was?</p> <p>18 A. It was an employment issue.</p> <p>19 Q. And was that related to your employment at</p> <p>20 Walmart?</p> <p>21 A. Yes.</p> <p>22 Q. And what particularly did that apply to?</p> <p>23 A. It was a litigation regarding an individual</p> <p>24 that was terminated.</p> <p>25 Q. So were you a plaintiff or a defendant in</p> |
| Page 7 | Page 9 |
| <p>1 DIRECT EXAMINATION</p> <p>2 BY MR. INNES:</p> <p>3 Q. Good morning, Mr. Ducote. My name is</p> <p>4 Michael Innes. I represent the plaintiffs in this</p> <p>5 case. Thank you for being here today. Thank you</p> <p>6 for starting a little bit earlier than usual. I do</p> <p>7 appreciate that.</p> <p>8 Could you state your full name for the</p> <p>9 record.</p> <p>10 A. Full name is Chad Edward Ducote.</p> <p>11 Q. What is your current occupation?</p> <p>12 A. Current occupation is Division Vice</p> <p>13 President for Supply Chain.</p> <p>14 Q. And for what company?</p> <p>15 A. Walmart.</p> <p>16 Q. Thank you.</p> <p>17 You understand that you're under oath,</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. And are you taking any medication or is</p> <p>21 there any other reason that would interfere with</p> <p>22 your ability to answer my questions fully and</p> <p>23 truthfully today?</p> <p>24 A. No.</p> <p>25 Q. Some basic ground rules -- well, let me</p> | <p>1 the case?</p> <p>2 A. Walmart was who was being sued.</p> <p>3 Q. Walmart was being sued?</p> <p>4 A. Yes.</p> <p>5 Q. And you were a witness for Walmart?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Did that have anything to do with</p> <p>8 Schedule II narcotics?</p> <p>9 A. No.</p> <p>10 Q. Did it have anything to do with dispensing?</p> <p>11 A. No.</p> <p>12 Q. Who are the people seated with you today?</p> <p>13 A. Tara. I'm sorry, I do not recall --</p> <p>14 MS. FUMERTON: He's not going to be</p> <p>15 offended.</p> <p>16 A. Paul? No. Sorry.</p> <p>17 The attorneys that represent me.</p> <p>18 Q. Fair question. And I'm sorry, is the woman</p> <p>19 at the end of the table --</p> <p>20 A. Jennifer.</p> <p>21 MS. FUMERTON: I can handle it. Jennifer</p> <p>22 Bechet, who was in-house counsel at Walmart.</p> <p>23 BY MR. INNES:</p> <p>24 Q. Mr. Ducote, what did you do to prepare for</p> <p>25 this deposition today?</p> |

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| <p style="text-align: right;">Page 10</p> <p>1 A. I had three meetings with attorneys.</p> <p>2 Q. How long were those meetings?</p> <p>3 A. They ranged from four hours to eight to nine</p> <p>4 hours.</p> <p>5 Q. And when were those meetings?</p> <p>6 A. One was yesterday, one was the day before</p> <p>7 and another was last either Thursday or Friday. I</p> <p>8 can't recall exactly.</p> <p>9 Q. Who was present at those meetings?</p> <p>10 A. The one that was last week was via a Zoom</p> <p>11 videoconference. I don't remember everyone who was</p> <p>12 present. And Tara was present on that one last</p> <p>13 week. The meeting this week, Tara was present,</p> <p>14 Jennifer was present and there were other attorneys</p> <p>15 who were present.</p> <p>16 Q. Were there any non-attorneys who were</p> <p>17 present?</p> <p>18 A. No.</p> <p>19 Q. Were the attorneys all from either Walmart</p> <p>20 in-house counsel or Jones Day?</p> <p>21 A. There were a combination of both.</p> <p>22 Q. But there were no attorneys from an entity</p> <p>23 other than Jones Day or Walmart?</p> <p>24 A. No.</p> <p>25 Q. Did you review any documents?</p> | <p style="text-align: right;">Page 12</p> <p>1 Yes-or-no question.</p> <p>2 MS. FUMERTON: Yeah, but how is that not</p> <p>3 going to be privileged information?</p> <p>4 MR. INNES: It's a yes or no.</p> <p>5 MS. FUMERTON: I understand. But I think to</p> <p>6 the extent you're asking about what documents he</p> <p>7 reviewed while he was with counsel --</p> <p>8 MR. INNES: So you're objecting to the fact</p> <p>9 there was a court document?</p> <p>10 MS. FUMERTON: No, I'm objecting to the fact</p> <p>11 that you were asking what documents he was</p> <p>12 reviewing with counsel.</p> <p>13 BY MR. INNES:</p> <p>14 Q. Did you review any documents -- I apologize.</p> <p>15 I may have asked this already.</p> <p>16 Did you review any court documents outside</p> <p>17 the presence of counsel?</p> <p>18 A. Just state it one more time to make sure I</p> <p>19 fully understand.</p> <p>20 Q. Did you review any court documents outside</p> <p>21 the presence of counsel?</p> <p>22 A. No, not that I'm aware of, that there were</p> <p>23 any court documents.</p> <p>24 Q. Have you read the complaint in this case?</p> <p>25 A. No.</p> |
| <p style="text-align: right;">Page 11</p> <p>1 A. Yes.</p> <p>2 Q. Did you review documents with counsel in</p> <p>3 those meetings?</p> <p>4 A. Could you restate that.</p> <p>5 Q. Did you review documents with counsel in</p> <p>6 those meetings?</p> <p>7 A. You're referring to the attorneys that were</p> <p>8 present?</p> <p>9 Q. Yes.</p> <p>10 A. Yes.</p> <p>11 Q. Did you review any documents for preparation</p> <p>12 for the deposition outside of counsel?</p> <p>13 A. No.</p> <p>14 Q. Did you review any deposition or trial</p> <p>15 testimony?</p> <p>16 A. No.</p> <p>17 Q. Did you review any court documents?</p> <p>18 MS. FUMERTON: Objection. I don't think</p> <p>19 that is going to -- are you asking outside of the</p> <p>20 questioning of while we were in the meeting or</p> <p>21 with the attorneys?</p> <p>22 MR. INNES: In general.</p> <p>23 BY MR. INNES:</p> <p>24 Q. The question is did you review any court</p> <p>25 documents in preparation for today's deposition?</p> | <p style="text-align: right;">Page 13</p> <p>1 Q. Have you looked at your own personal</p> <p>2 documents or electronic files, that kind of</p> <p>3 documents, that might be relevant to this litigation</p> <p>4 or might refresh your recollection?</p> <p>5 MS. FUMERTON: And give just a second to</p> <p>6 object.</p> <p>7 Again, I'm going to have a standing</p> <p>8 objection if you're asking to anything that we</p> <p>9 had reviewed during our meetings with counsel.</p> <p>10 But if you're asking about what he may have</p> <p>11 reviewed outside of meetings with counsel or at</p> <p>12 the direction of counsel, I have no objection</p> <p>13 A. Could you restate that question, then.</p> <p>14 Q. Have you looked at any of your own personal</p> <p>15 paper or electronic files to find documents that</p> <p>16 might be relevant to this litigation or that might</p> <p>17 refresh your recollection?</p> <p>18 MS. FUMERTON: The question is outside of</p> <p>19 the context of our review.</p> <p>20 THE WITNESS: Okay. So during the context</p> <p>21 of the question --</p> <p>22 MR. INNES: That's not the question.</p> <p>23 MS. FUMERTON: I'm objecting to the question</p> <p>24 if you're not -- if asking him whether he</p> <p>25 reviewed documents in the presence of counsel.</p> |

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| <p style="text-align: right;">Page 14</p> <p>1 MR. INNES: Are you instructing him to not 2 answer the question? 3 MS. FUMERTON: Yes, if that's your question. 4 I thought you were limiting it. 5 I mean, it's a compound -- you asked a 6 compound question, first of all, right. So if 7 you want to break up the question, then I think 8 that there are parts that could potentially -- 9 you can ask the question how you want, but that's 10 a compound question and, as asked, it's asking 11 for potentially privileged information. If you 12 want to limit it in another way, there may be a 13 nonobjectionable question you can ask. 14 BY MR. INNES: 15 Q. Outside meetings with counsel, have you 16 reviewed any documents to refresh your recollection 17 relevant to this case? 18 A. I did not take any documents and review 19 outside of the meetings with counsel. 20 Q. Have you found any documents in your own 21 personal files that are relevant to this case? 22 MS. FUMERTON: Objection; form. 23 A. Could you restate it? 24 Q. Have you identified any documents in your 25 possession that are relevant to this case?</p> | <p style="text-align: right;">Page 16</p> <p>1 you identified any documents that are relevant to 2 this case? 3 A. The answer to that question, the one that 4 you're asking, is no. 5 MR. INNES: Can I short-circuit this? Can I 6 get a representation from you that all documents 7 that he had reviewed and provided to you in this 8 course of this litigation have been produced or 9 have been recorded as privileged? 10 MS. FUMERTON: Well, no. So it would be 11 only all relevant documents subject to our other 12 objections. 13 MR. INNES: Okay. 14 BY MR. INNES: 15 Q. Did you speak with any representative, any 16 other defendant in this case, prior to your 17 deposition? 18 A. Could you repeat it. 19 Q. Sorry, I was going too fast. I'll break it 20 down. 21 A. Okay. 22 Q. Prior to today, did you speak with any 23 representative from any other defendant in this case 24 regarding today's deposition? 25 A. Just for my clarity, a defendant, I would</p> |
| <p style="text-align: right;">Page 15</p> <p>1 MS. FUMERTON: And again I'm going to object 2 to the question to the extent you're asking about 3 any actions that were taken at the direction of 4 counsel. If you're asking what he independently 5 did, you can answer the question. 6 A. I'm a little confused on what the question 7 is, actually, if you could clarify. 8 Q. That's because multiple people are asking 9 questions. 10 So my question is did you review any -- I'm 11 sorry. Did you -- strike that. 12 Did you identify any documents in your 13 preparation for today's deposition that are relevant 14 to this case? 15 MS. FUMERTON: Objection; form. It has to 16 be outside of meetings with counsel. So outside 17 meetings with counsel -- I'm not trying to be 18 difficult, but we're not going to answer as to 19 what questions -- any question about what he 20 reviewed while in our meetings with counsel. 21 If you're asking outside of that, that's a 22 different situation. 23 MR. INNES: Outside. 24 BY MR. INNES: 25 Q. Outside of your meetings with counsel, have</p> | <p style="text-align: right;">Page 17</p> <p>1 be -- who is a defendant, just to make sure I have 2 that clear? 3 Q. Sure. For instance, Purdue. 4 A. Okay. So restate the question now that I'm 5 clear on "defendant." 6 Q. Did you speak with anyone from Purdue Pharma 7 prior to your deposition today -- 8 MS. FUMERTON: Objection. 9 BY MR. INNES: 10 Q. -- regarding this case? 11 A. No. 12 Q. Did you speak with anyone from Cardinal 13 Health prior -- same question. 14 Did you speak with anyone from Cardinal 15 Health prior to your deposition today regarding this 16 case? 17 A. No. 18 Q. Are you familiar with who the defendants are 19 in this case? 20 A. No, not completely. 21 Q. We're going -- we'll circle back to this 22 question. 23 A. Okay. 24 Q. Did you speak with anyone other than counsel 25 prior to the deposition today regarding this case?</p> |

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| <p style="text-align: right;">Page 18</p> <p>1 A. They had -- yes, but not regarding the case.</p> <p>2 About the deposition, that I would not be at work</p> <p>3 during the time period, that I was going to be out.</p> <p>4 Is that the question you're asking me or am</p> <p>5 I confused on the question?</p> <p>6 Q. I can clarify.</p> <p>7 A. Okay.</p> <p>8 Q. Did you speak with anyone other than counsel</p> <p>9 regarding the subject matter of this case prior to</p> <p>10 today's deposition?</p> <p>11 A. No.</p> <p>12 Q. And I'm not --</p> <p>13 A. No.</p> <p>14 Q. No?</p> <p>15 A. I did not. Just that I was going to be in a</p> <p>16 deposition and unavailable.</p> <p>17 Q. I understand.</p> <p>18 MS. FUMERTON: And we're doing okay but</p> <p>19 let's just -- make sure he gets his whole</p> <p>20 question out before he answers. We're talking</p> <p>21 over each other slightly.</p> <p>22 THE WITNESS: I thought he was finished with</p> <p>23 his question.</p> <p>24 MS. FUMERTON: No, that's better. Just give</p> <p>25 a slight pause.</p> | <p style="text-align: right;">Page 20</p> <p>1 BY MR. INNES:</p> <p>2 Q. So I'm handing you what's been marked as</p> <p>3 Plaintiff Exhibit 1.</p> <p>4 Q. Take your time, review the document, and</p> <p>5 when you're done, I'll ask you some questions.</p> <p>6 A. I'm done.</p> <p>7 Q. Thank you.</p> <p>8 Mr. Ducote, do you recognize this document?</p> <p>9 A. Yes.</p> <p>10 Q. Is this -- is this document something that</p> <p>11 you generated?</p> <p>12 A. At the --</p> <p>13 MS. FUMERTON: Objection; form.</p> <p>14 A. Okay. Could you restate it to make sure</p> <p>15 I've got the question correct.</p> <p>16 Q. Do you not understand the question?</p> <p>17 A. Just restate it just to make sure I heard</p> <p>18 it.</p> <p>19 Q. Is this a document that you generated?</p> <p>20 MS. FUMERTON: Same objection.</p> <p>21 BY MR. INNES:</p> <p>22 Q. I'll strike that.</p> <p>23 Is this your LinkedIn page?</p> <p>24 A. Yes.</p> <p>25 Q. When did you last update your LinkedIn page?</p> |
| <p style="text-align: right;">Page 19</p> <p>1 BY MR. INNES:</p> <p>2 Q. Did you speak with Mr. Abernathy at all</p> <p>3 regarding this case?</p> <p>4 A. I would say no. I do speak to Jeff every so</p> <p>5 often, but I don't recall ever speaking to him about</p> <p>6 this case.</p> <p>7 THE COURT REPORTER: I'll get you a sheet</p> <p>8 going here.</p> <p>9 Q. Mr. Ducote, we're just going to mark an</p> <p>10 exhibit and then show it to you. The court reporter</p> <p>11 is just marking my exhibit tabs for me.</p> <p>12 A. So when you do state it to me, do I have to</p> <p>13 state anything about the exhibit number?</p> <p>14 Q. We'll go through that in a minute.</p> <p>15 A. Okay.</p> <p>16 MS. FUMERTON: No, you don't need to -- he's</p> <p>17 asking the question. You don't really have to</p> <p>18 say anything about anything other than I want a</p> <p>19 break or I want to talk to Tara, unless he asks</p> <p>20 you a question. He has to handle the documents.</p> <p>21 BY MR. INNES:</p> <p>22 Q. And if you do want a break at any time,</p> <p>23 please let me know. We'll go off the record.</p> <p>24 (Ducote Exhibit 1 was marked for</p> <p>25 identification.)</p> | <p style="text-align: right;">Page 21</p> <p>1 A. I do not recall exactly.</p> <p>2 Q. Would you say that this is a -- the current</p> <p>3 version of your LinkedIn page?</p> <p>4 A. The current version, as I'm aware of it, and</p> <p>5 LinkedIn does at times update things, I find, that</p> <p>6 didn't necessarily I did. There may be a word or</p> <p>7 two change, but the content, the majority of it is.</p> <p>8 Q. Okay. So you graduated from the University</p> <p>9 of Louisiana Monroe with a Bachelor of Science in</p> <p>10 Pharmacy?</p> <p>11 A. Yes.</p> <p>12 Q. And what year was that?</p> <p>13 A. That was 1997.</p> <p>14 Q. What is a Bachelor of Science in Pharmacy</p> <p>15 exactly?</p> <p>16 A. There are two degrees that qualify you to</p> <p>17 become a pharmacist in most states. It's either a</p> <p>18 bachelor of science or Docket of Pharmacy. I went</p> <p>19 to a school that offered a bachelor of science</p> <p>20 degree.</p> <p>21 Q. So you obtained a bachelor of science</p> <p>22 degree, and that would allow you in some states to</p> <p>23 become a licensed pharmacist?</p> <p>24 A. Yes, that's correct.</p> <p>25 Q. And as part of your studies did you take any</p> |

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| <p>1 classes on Schedule II narcotics?</p> <p>2 A. Not specifically Schedule II. There are</p> <p>3 classes about pharmacy law that encompass that, but</p> <p>4 it wasn't narrowly just Schedule II narcotics.</p> <p>5 Q. Did you take pharmacy law classes?</p> <p>6 A. Yes.</p> <p>7 Q. Did the pharmacy law classes cover the</p> <p>8 Controlled Substances Act?</p> <p>9 A. I don't recall specifically if it -- the</p> <p>10 Controlled Substances Act covered.</p> <p>11 Q. Were -- and do you recall if any other --</p> <p>12 any federal regulations related to the sale of</p> <p>13 pharmaceuticals were covered during your classes?</p> <p>14 A. Yes. Yes.</p> <p>15 Q. And what were those statutes or regulations</p> <p>16 in particular?</p> <p>17 A. I don't remember the exact regulations, but</p> <p>18 what was covered were basically what -- how the drug</p> <p>19 approval process worked, how the FDA worked to get</p> <p>20 to a legend drug.</p> <p>21 Q. Okay. Did you cover any statutes,</p> <p>22 regulations, laws, that would cover the sale or</p> <p>23 distribution -- strike that -- cover the sale of</p> <p>24 pharmaceuticals?</p> <p>25 MS. FUMERTON: Objection to form.</p> | <p>1 Master's of Science in Pharmacy Administration,</p> <p>2 Pharmacy Policy and Regulatory Affairs; is that</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. During your studies at the University of</p> <p>6 Florida to obtain that degree, did you take any</p> <p>7 classes dealing with the Controlled Substances Act?</p> <p>8 A. Yes.</p> <p>9 Q. And what were those classes?</p> <p>10 A. I do not recall the specific classes, but it</p> <p>11 was a topic that was covered in at least one of the</p> <p>12 classes.</p> <p>13 Q. Was it a pharmacy law class?</p> <p>14 A. I wouldn't characterize it as pharmacy law.</p> <p>15 It was more just general here's a category and</p> <p>16 here's topics. I wouldn't say there was a class</p> <p>17 that was law and that's what was covered. I was</p> <p>18 just part of a class.</p> <p>19 Q. What was the focus of your master's degree?</p> <p>20 A. The focus for myself of why I went into that</p> <p>21 program was really the drug approval process.</p> <p>22 Q. What's the drug approval process?</p> <p>23 A. Really, how a drug goes from being</p> <p>24 developed, the initial clinical trials, how it's</p> <p>25 tested, how it's marketed, goes through patents and</p> |
| Page 23 | Page 25 |
| <p>1 A. I thought you were going to reask the</p> <p>2 question. I'm sorry. Could you state it again.</p> <p>3 Q. So one of the ground rules I failed to</p> <p>4 mention is your counsel can interpose an objection</p> <p>5 at any time. If she interposes an objection, you</p> <p>6 can still answer so long as you understand the</p> <p>7 question. That's my primary ground rules. If you</p> <p>8 understand the question, please answer it. If you</p> <p>9 don't, I'll do my best to rephrase it.</p> <p>10 A. I was aware of that. It just seemed as</p> <p>11 though you were going to reask the question. I</p> <p>12 apologize. The hesitation caught me off guard.</p> <p>13 Q. No problem. We'll feel this out as we go.</p> <p>14 A. Okay. So maybe once again could you just</p> <p>15 ask that question.</p> <p>16 Q. Sure.</p> <p>17 In your studies at the University of</p> <p>18 Louisiana at Monroe to obtain your Bachelor of</p> <p>19 Science in Pharmacy, did you study laws or</p> <p>20 regulations that would cover the distribution of</p> <p>21 pharmaceuticals?</p> <p>22 A. I do not recall specifically if that was in</p> <p>23 the class or not.</p> <p>24 Q. Okay. After you graduated in 1997, you went</p> <p>25 to the University of Florida where you obtained a</p> | <p>1 things of that nature. That's what my focus was</p> <p>2 during that time period.</p> <p>3 Q. So is it fair to say your studies were</p> <p>4 limited to research and development through the</p> <p>5 patent process?</p> <p>6 MS. FUMERTON: Objection; form.</p> <p>7 A. That was the main part of the course. I</p> <p>8 mean, there are other subcourses in it, but the</p> <p>9 majority of the coursework was around FDA drug</p> <p>10 approval.</p> <p>11 Q. So it's my understanding of the</p> <p>12 pharmaceutical industry that a drug is developed,</p> <p>13 drug goes through regulatory process for approval,</p> <p>14 and then that drug is manufactured, and then that</p> <p>15 drug is sold to the public.</p> <p>16 I'd like to focus on the last piece of that.</p> <p>17 Did you take classes dealing with the sale of drugs</p> <p>18 to the general public?</p> <p>19 MS. FUMERTON: Objection; form.</p> <p>20 A. I really couldn't answer that question</p> <p>21 because it's such a broad question. Could you</p> <p>22 narrow the question potentially?</p> <p>23 Q. Sure.</p> <p>24 So you would agree that a pharmaceutical</p> <p>25 company develops a drug, correct?</p> |



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| Page 26 | Page 28 |
|--|--|
| <p>1 A. Yes.</p> <p>2 Q. And they're in the business of manufacturing</p> <p>3 drugs?</p> <p>4 MS. FUMERTON: Objection; form.</p> <p>5 A. Some do, some don't.</p> <p>6 Q. And then you'd agree that those</p> <p>7 manufacturers oftentimes sell those drugs to the</p> <p>8 general public?</p> <p>9 MS. FUMERTON: Objection; form.</p> <p>10 A. The manufacturers -- the way you're asking</p> <p>11 the question, I would say manufacturers, no, do not</p> <p>12 sell to the general public, if that's the question</p> <p>13 you're asking.</p> <p>14 Q. Fair point.</p> <p>15 A manufacturer puts a drug or a pill into</p> <p>16 the marketplace that can be prescribed to a patient;</p> <p>17 is that a fair statement?</p> <p>18 A. Yes.</p> <p>19 MS. FUMERTON: Objection; form.</p> <p>20 A. Yes.</p> <p>21 Q. During your studies either at the University</p> <p>22 of Louisiana Monroe for your bachelor of pharmacy or</p> <p>23 your studies at University of Florida for your</p> <p>24 master's and --</p> <p>25 Did you study any of the laws or regulations</p> | <p>1 individuals.</p> <p>2 My question for you is what are those --</p> <p>3 what were those regulations or laws that you've</p> <p>4 studied?</p> <p>5 MS. FUMERTON: Objection; form.</p> <p>6 A. I could not tell you the specific ones.</p> <p>7 Q. Okay. Controlled Substances Act was one of</p> <p>8 them, perhaps?</p> <p>9 A. Earlier, when you asked the question if that</p> <p>10 was covered in a class, it was covered in a class.</p> <p>11 Q. What's your understanding of the Controlled</p> <p>12 Substances Act generally?</p> <p>13 A. It is a very broad question.</p> <p>14 Q. What's your understanding of the Controlled</p> <p>15 Substances Act as it applies to Schedule II or</p> <p>16 Schedule III narcotics?</p> <p>17 MS. FUMERTON: Objection; form.</p> <p>18 A. Just restate one more time. I think I</p> <p>19 understood what you said but one more time.</p> <p>20 Q. What's your understanding of the Controlled</p> <p>21 Substances Act as it applies to Schedule II</p> <p>22 narcotics?</p> <p>23 A. Okay. The way I understood your question is</p> <p>24 the Controlled Substance Act gives some guidelines</p> <p>25 as far as how a drug is scheduled, and that's the</p> |
| Page 27 | Page 29 |
| <p>1 that governed the prescription -- I'm sorry, the</p> <p>2 dispensing of a drug to a patient?</p> <p>3 A. Could you restate the question for me?</p> <p>4 Q. Did you ever study laws or regulations</p> <p>5 pertaining to the dispensing of drugs to</p> <p>6 individuals?</p> <p>7 MS. FUMERTON: Objection; form.</p> <p>8 A. The way I understand your question, the</p> <p>9 answer would be yes.</p> <p>10 Q. And what -- and what were those laws or</p> <p>11 regulations?</p> <p>12 A. Most of those -- most of those laws and</p> <p>13 regulations relate around state -- state</p> <p>14 requirements such as -- I'm struggling to remember</p> <p>15 exact details but, you know, basically that the</p> <p>16 prescription -- that has been a long time ago.</p> <p>17 Could you -- I'm sorry to ask you to restate</p> <p>18 that question. Could you restate it?</p> <p>19 Q. Did you ever study laws or regulations</p> <p>20 pertaining to dispensing drugs to individuals?</p> <p>21 MS. FUMERTON: Objection; form.</p> <p>22 Q. I'm sorry, that was one question above.</p> <p>23 You've testified that you did study -- your</p> <p>24 testimony today is you have studied laws and</p> <p>25 regulations pertaining to the dispensing of drugs to</p> | <p>1 basic premise around Schedule II. It gives a</p> <p>2 different guidance on how the drug should be</p> <p>3 scheduled and if a drug meets that criteria, it's</p> <p>4 scheduled into a Schedule II.</p> <p>5 Q. Following the University of Florida, you</p> <p>6 went on to Stetson University where you obtained</p> <p>7 your Master's of Business Administration; is that</p> <p>8 correct?</p> <p>9 A. That's correct.</p> <p>10 Q. What was the focus of your studies at</p> <p>11 Stetson University?</p> <p>12 A. General business with more a focus on</p> <p>13 finance.</p> <p>14 Q. Finance as it relates to the pharmaceutical</p> <p>15 industry?</p> <p>16 A. They did cover pharmaceutical industry</p> <p>17 finance, but it was broader. It was just finance in</p> <p>18 general, how things such as -- if I recall</p> <p>19 correctly, Disney, since they are near Disney's main</p> <p>20 campus in Orlando, and a few other companies.</p> <p>21 Q. Orlando would be a fun town to go to school</p> <p>22 in.</p> <p>23 A. Yeah.</p> <p>24 Q. Did you study logistics at Stetson?</p> <p>25 A. There was a course that did cover supply</p> |

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|---|--|
| <p style="text-align: right;">Page 30</p> <p>1 chain. It covered it, from what I recall, two</p> <p>2 sides, technology systems and there were just basic</p> <p>3 math of supply chain.</p> <p>4 Q. And to be clear, you were enrolled in that</p> <p>5 class?</p> <p>6 A. Could you -- say that again.</p> <p>7 Q. You enrolled in that class?</p> <p>8 MS. FUMERTON: Objection; form.</p> <p>9 A. There were specific courses you had to take.</p> <p>10 It wasn't an option. It was -- I couldn't tell you</p> <p>11 the exact title of the course, but the premise of it</p> <p>12 was basically technology.</p> <p>13 Q. Yeah. To be clear, I'm not asking for the</p> <p>14 exact title or the level number.</p> <p>15 A. Okay.</p> <p>16 Q. Those can be long in a course book. What</p> <p>17 I'm asking -- and I want to be clear -- is that</p> <p>18 course offered at Stetson?</p> <p>19 A. Yes.</p> <p>20 Q. And you sat in a classroom at Stetson?</p> <p>21 A. Potentially not. Some of these courses were</p> <p>22 online. So some were actually I had to go to</p> <p>23 Stetson. Some were online. That one could have</p> <p>24 been online.</p> <p>25 Q. Do you recall viewing that class online?</p> | <p style="text-align: right;">Page 32</p> <p>1 A. Yes.</p> <p>2 Q. You then rose to the level of manager of</p> <p>3 pharmacy recruiting June 1999 to August 2002, also</p> <p>4 at Walmart?</p> <p>5 A. Yes.</p> <p>6 Q. You then moved to divisional compliance</p> <p>7 director, also at Walmart, in August 2004?</p> <p>8 A. You skipped one role, but yes.</p> <p>9 Q. I'm sorry. I did.</p> <p>10 You were the director of training and</p> <p>11 development, also at Walmart, from August 2002 to</p> <p>12 August 2004?</p> <p>13 A. Yes.</p> <p>14 Q. Thank you for correcting me on that.</p> <p>15 Then you became a divisional compliance</p> <p>16 director from August 2004, for about 18 years, to</p> <p>17 July 2010; is that right?</p> <p>18 MS. FUMERTON: No. Objection; form and to</p> <p>19 the math, I guess.</p> <p>20 BY MR. INNES:</p> <p>21 Q. I'm just reading the document.</p> <p>22 MS. FUMERTON: I think that this can be</p> <p>23 easily clarified.</p> <p>24 A. Yes, that's -- I was going to clarify. It</p> <p>25 was six years. The LinkedIn profile did some odd</p> |
| <p style="text-align: right;">Page 31</p> <p>1 A. That, I do not recall exactly.</p> <p>2 Q. Do you recall sitting in a classroom for</p> <p>3 that class?</p> <p>4 A. I don't recall. I do -- if I -- it most</p> <p>5 likely was online for that course. I just don't</p> <p>6 recall exactly.</p> <p>7 Q. What grade did you get in that class?</p> <p>8 A. An A. I do recall that.</p> <p>9 Q. That's good. You don't recall going to</p> <p>10 class, but you got an A. I wish I could have done</p> <p>11 that.</p> <p>12 A. I just recall. I think I've made As in all</p> <p>13 the courses.</p> <p>14 MS. FUMERTON: Easy answer, then.</p> <p>15 BY MR. INNES:</p> <p>16 Q. Let's continue right up the page here.</p> <p>17 A. Okay.</p> <p>18 Q. You were a pharmacy intern, cashier, cart</p> <p>19 pusher, sales associate, unloader from February '92</p> <p>20 to December '97.</p> <p>21 Was that at Walmart?</p> <p>22 A. Yes.</p> <p>23 Q. You then went to be a pharmacist or pharmacy</p> <p>24 manager from '97 -- December '97 to June 1999, also</p> <p>25 at Walmart?</p> | <p style="text-align: right;">Page 33</p> <p>1 math on that.</p> <p>2 Q. To be clear, divisional compliance officer</p> <p>3 at Walmart from July 2004 to July 2010?</p> <p>4 A. Yes.</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p> |

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| <p style="text-align: right;">Page 34</p>  | <p style="text-align: right;">Page 36</p> <p>1 Q. Are you aware that the country is in the</p> <p>2 midst of an opioid epidemic?</p> <p>3 MS. FUMERTON: Objection; form.</p> <p>4 A. I think there is just a general epidemic of</p> <p>5 drug abuse, not necessarily just specific opioids.</p> <p>6 But in general, I think there is an issue with</p> <p>7 abuse.</p> <p>8 Q. Do you believe that that general issue of</p> <p>9 abuse involves opioids?</p> <p>10 MS. FUMERTON: Objection; form.</p> <p>11 A. I think it involves a lot. I think it</p> <p>12 involves alcohol. I think it involves different</p> <p>13 types of medications. It involves OTC products. I</p> <p>14 think it's an addiction issue in general that</p> <p>15 society faces.</p> <p>16 Q. Mr. Ducote, simple question: Yes or no, do</p> <p>17 you believe that people are abusing opioids?</p> <p>18 MS. FUMERTON: Objection; form.</p> <p>19 A. My view is that people abuse a lot of</p> <p>20 different things, and I think it's unfair to</p> <p>21 characterize it as specifically just opioids.</p> <p>22 Q. Are you aware that 100 people a day are</p> <p>23 dying from opioids?</p> <p>24 MS. FUMERTON: Objection; form.</p> <p>25 A. Personally, I think one death is too many,</p> |
| <p style="text-align: right;">Page 35</p>  | <p style="text-align: right;">Page 37</p> <p>1 so if it's more than one, yeah, it is a tragic</p> <p>2 situation.</p> <p>3 Q. And you're aware that 100 people a day are</p> <p>4 dying?</p> <p>5 MS. FUMERTON: Objection; form, misstates</p> <p>6 testimony.</p> <p>7 A. Am I aware that 100 -- I couldn't tell you</p> <p>8 how many. I really couldn't. I can tell you,</p> <p>9 though, that I do read in papers and things that</p> <p>10 just abuse across the board is impacting society.</p> <p>11 Q. As part of your reading in the papers, did</p> <p>12 you read any articles about opioids?</p> <p>13 MS. FUMERTON: Objection; form.</p> <p>14 A. Could you restate it maybe?</p> <p>15 Q. Have you read any newspaper articles</p> <p>16 involving opioids?</p> <p>17 MS. FUMERTON: Objection; form.</p> <p>18 A. The articles I've read have included</p> <p>19 opioids, but it was a broader context.</p> <p>20 Q. Have you read Dreamland?</p> <p>21 A. No, I have not.</p> <p>22 Q. You giggled a little bit.</p> <p>23 Do you know what I mean by Dreamland?</p> <p>24 A. No, that just threw me off when you said</p> <p>25 Dreamland. It doesn't seem real.</p> |

10 (Pages 34 to 37)

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| <p style="text-align: right;">Page 38</p> <p>1 Q. Have you read a New Yorker article regarding</p> <p>2 the Sackler family?</p> <p>3 A. Could you state that again.</p> <p>4 Q. Are you familiar with the periodical The New</p> <p>5 Yorker?</p> <p>6 A. Yes, I am.</p> <p>7 Q. Do you read The New Yorker?</p> <p>8 A. No.</p> <p>9 Q. Have you ever read The New Yorker?</p> <p>10 A. Yes, I have.</p> <p>11 Q. Have you read an article in The New Yorker</p> <p>12 that involved the Sackler family?</p> <p>13 A. No, I have not.</p> <p>14 Q. Do you know who the Sackler family is?</p> <p>15 A. No.</p> <p>16 Q. Do you know who Purdue Pharma is?</p> <p>17 A. Yes, I do.</p> <p>18 Q. Do you know who owns Purdue Pharma?</p> <p>19 A. I don't specifically.</p> <p>[REDACTED]</p> | <p style="text-align: right;">Page 40</p> <p>[REDACTED]</p> |
| <p style="text-align: right;">Page 39</p> <p>[REDACTED]</p> | <p style="text-align: right;">Page 41</p> <p>[REDACTED]</p> |

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| <p>Page 42</p> <p>[REDACTED]</p> | <p>Page 44</p> <p>[REDACTED]</p> |
| <p>Page 43</p> <p>[REDACTED]</p> | <p>Page 45</p> <p>[REDACTED]</p> |

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| <p>Page 46</p> <p>[REDACTED]</p> | <p>Page 48</p> <p>[REDACTED]</p> |
| <p>Page 47</p> <p>[REDACTED]</p> | <p>Page 49</p> <p>[REDACTED]</p> |

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[REDACTED]

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1 and that back and forth doesn't necessarily mean
2 that he was not appropriately answering your
3 question.

4 So I agree with the ground rule, but I just
5 want to make sure that we're on both sides
6 applying those.

7 BY MR. INNES:

[REDACTED]

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[REDACTED]

11 Q. So another ground rule. If you don't
12 understand the question, tell me you don't
13 understand the question and I'll rephrase it.

14 A. Okay.

15 Q. Once I rephrase it, that's the question
16 that's standing; I want you to answer that one. I
17 want you to answer a compilation of questions. Just
18 tell me you don't understand it and I'll rephrase
19 it.

20 MS. FUMERTON: Fair enough. I agree if you
21 don't understand the question, you shouldn't
22 answer it.

23 Also, if you don't understand his answer,
24 that didn't mean he didn't understand the
25 question. I just think there's some confusion

Page 53

[REDACTED]

10 MS. FUMERTON: Sure. I apologize. Should
11 we take -- we've been going an hour.

12 MR. INNES: I'm trying to think right now.
13 I think we are at a natural breaking point. So
14 we can just go off the record.

15 THE VIDEOGRAPHER: Going off the record.
16 The time is 9:01.

17 (Recess from 9:01 a.m. until 9:17 a.m.)

18 THE VIDEOGRAPHER: Going back on the record.
19 Beginning of Media File Number 2. The time is
20 9:17.

21 BY MR. INNES:

[REDACTED]

14 (Pages 50 to 53)

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| <p>Page 54</p> <p>[REDACTED]</p> | <p>Page 56</p> <p>[REDACTED]</p> |
| <p>Page 55</p> <p>[REDACTED]</p> | <p>Page 57</p> <p>[REDACTED]</p> |

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| <p>Page 58</p> <p>[REDACTED]</p> | <p>Page 60</p> <p>[REDACTED]</p> |
| <p>Page 59</p> <p>[REDACTED]</p> | <p>Page 61</p> <p>[REDACTED]</p> |

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| <p style="text-align: right;">Page 62</p> <p>[REDACTED]</p> | <p style="text-align: right;">Page 64</p> <p>1 might ask you to refer to it later, so we'll keep</p> <p>2 a copy set there.</p> <p>3 BY MR. INNES:</p> <p>4 Q. Take your time, review it, and when you are</p> <p>5 done, let me know.</p> <p>6 A. All right. I'm done.</p> <p>[REDACTED]</p> |
| <p style="text-align: right;">Page 63</p> <p>[REDACTED]</p> <p>21 MR. INNES: Copies for you.</p> <p>22 THE WITNESS: Do I keep this?</p> <p>23 MS. FUMERTON: No. We want to make sure we</p> <p>24 don't lose this, because that would be bad.</p> <p>25 We're going to keep a pile right here. They</p> | <p style="text-align: right;">Page 65</p> <p>[REDACTED]</p> |

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[REDACTED]

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[REDACTED]

12 A. What this represents is VAWD, verified
13 accredited wholesale distributor, was doing -- there
14 were certain policies and procedures that they
15 recommended that were put in place based on their
16 review, and this was an output of that process.

17 Q. You referred to the VAWD. Could you --

18 A. Verified accredited wholesale distributor.

19 Q. And it was important -- well, and the VAWD,
20 did they confer accreditations on distributors?

21 A. I'm not sure from the legal sense exactly
22 how that plays out, but they do give accreditation.

23 Q. Did Walmart apply for accreditation?

24 A. Yes.

[REDACTED]

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[REDACTED]

Page 69

[REDACTED]

18 (Pages 66 to 69)

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| <p>Page 70</p> <p>[REDACTED]</p> | <p>Page 72</p> <p>[REDACTED]</p> |
| <p>Page 71</p> <p>[REDACTED]</p> | <p>Page 73</p> <p>[REDACTED]</p> |

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| <p>Page 74</p> <p>[REDACTED]</p> | <p>Page 76</p> <p>[REDACTED]</p> |
| <p>Page 75</p> <p>[REDACTED]</p> | <p>Page 77</p> <p>[REDACTED]</p> |

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[REDACTED]

Page 80

[REDACTED]

Page 79

[REDACTED]

14 MS. FUMERTON: Okay. He started to answer
15 and you interrupted him. So if you're going to
16 ask a question, make sure you give him the
17 ability to answer before you interrupt if you
18 didn't like the direction it was going. But let
19 him answer the question; and if you need to
20 follow up, you can follow up.

[REDACTED]

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[REDACTED]

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| <p>Page 82</p> <p>[REDACTED]</p> | <p>Page 84</p> <p>[REDACTED]</p> |
| <p>Page 83</p> <p>[REDACTED]</p> | <p>Page 85</p> <p>[REDACTED]</p> |

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2 MS. FUMERTON: Objection; form, misstates
3 his prior testimony.
4 A. Oh, I'm sorry. I thought you were going to
5 reask something. Could you state --
6 MS. FUMERTON: No, if I object, which
7 clearly I'm going to --
8 THE WITNESS: Just --
9 MS. FUMERTON: -- you can go ahead --
10 THE WITNESS: Okay.
11 MS. FUMERTON: -- and just -- and answer --
12 THE WITNESS: It's just a pause at times, it
13 makes me think that --
14 MS. FUMERTON: No. No. That's okay. It's
15 not a normal conversation.
16 BY MR. INNES:

Page 88

[REDACTED]

Page 87

[REDACTED]

Page 89

[REDACTED]

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| <p>Page 90</p> <p>[REDACTED]</p> | <p>Page 92</p> <p>[REDACTED]</p> |
| <p>Page 91</p> <p>[REDACTED]</p> | <p>Page 93</p> <p>[REDACTED]</p> |

24 (Pages 90 to 93)

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| <p>Page 94</p> <p>[REDACTED]</p> | <p>Page 96</p> <p>[REDACTED]</p> |
| <p>Page 95</p> <p>[REDACTED]</p> | <p>Page 97</p> <p>[REDACTED]</p> |

25 (Pages 94 to 97)

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|---|---|
| <p style="text-align: right;">Page 98</p> <p>[REDACTED]</p> | <p style="text-align: right;">Page 100</p> <p>[REDACTED]</p> <p>21 MS. FUMERTON: Perhaps this is a good time 22 to take a break? Then we can take our short 23 break now and take another break at lunch. 24 MR. INNES: One minute. 25 Let's take a quick break, five -- five</p> |
| <p style="text-align: right;">Page 99</p> <p>[REDACTED]</p> | <p style="text-align: right;">Page 101</p> <p>1 minutes. 2 MS. FUMERTON: I will keep it as close to 3 five minutes as we can. 4 THE VIDEOGRAPHER: Going off record, the 5 time is 10:21. 6 (Recess from 10:21 a.m. until 10:31 a.m.) 7 THE VIDEOGRAPHER: We're going back on the 8 record, beginning of Media File Number 3. The 9 time is 10:31. 10 BY MR. INNES: [REDACTED]</p> |

26 (Pages 98 to 101)

Page 104

Q. What point in time was that?

A. The -- can I take a pause or -- because of the comment. I'm a little bit confused between the two of your comments.

Q. There's a question pending. Do you have -- do you --

MS. FUMERTON: There is a question pending. I think it's about privilege. Can we have a quick -- unless you want to rephrase it. I think you might be able to rephrase it in a way that possibly doesn't -- or I'm happy to take a quick break and find out what the concern is.

MR. INNES: Just one second. The screen has stopped moving.

I'm going to -- I'll reask the question.

MS. FUMERTON: Okay.

BY MR. INNES:

Page 105

Q. Who did you receive that training from?
A. That's the part I'm confused on. So is it privileged, nonprivileged?
MS. FUMERTON: Can we just -- I think -- I'll be super quick. We'll just clear this up. I just -- honestly it's not a big --
MR. INNES: Well, it's a -- it's a yes-or-no question whether or not he had training.
MS. FUMERTON: Well, he answered that.
MR. INNES: He answered that, and now we're asking who he received the training from.
MS. FUMERTON: Yes, but let me just take a quick --
MR. BOWER: Well, let him answer the question first and then you can take a break and you can talk to him.
MS. FUMERTON: Well, he says that he's wondering whether or not the answer would reveal privileged information, so that's why I want to talk --

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1 MR. BOWER: The name -- the name of a
2 trainer would not reveal privileged information.

3 MS. FUMERTON: I don't know what he's
4 thinking. I don't know what he's thinking of,
5 and so I don't want to have --

6 MR. BOWER: We're just asking for a name.

7 MS. FUMERTON: No. That's not necessarily
8 the case.

9 MR. INNES: I'll ask it that way.

10 BY MR. INNES:

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 MS. FUMERTON: So if they're having -- this
23 is my point. This is why we never -- if you're
24 talking about training, you're talking about
25 something where they are getting legal advice as

Page 108

1 the question correctly.

2 Q. Did anyone -- did any Walmart attorneys
3 instruct you regarding the requirements of the DEA's
4 suspicious order monitoring policies?

5 MS. FUMERTON: Yeah. I -- you can answer
6 the question. I'm objecting to that question.

7 I think you can phrase it another way to get
8 a yes-no answer in which it wouldn't reveal
9 potentially privileged information.

10 BY MR. INNES:

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 to what requirements are, that's legal advice and
2 attorney-client communication. That's why I have
3 the question. Because you guys might be talking
4 about different things of what you mean to be
5 training.

6 If he received training from somebody
7 outside of legal, then that's a different
8 question and, obviously, there is no problem
9 answering that question, but if what he's
10 thinking of, when you ask, "Did I receive
11 training," did he have communications with
12 lawyers which told him what the requirements
13 were, I think that that can be privileged
14 information.

15 That's what -- that's what -- look, I'm not
16 trying to be difficult. That's what I'm trying
17 to make a distinction between.

18 MR. INNES: Let me see if I can navigate it.

19 MS. FUMERTON: Okay.

20 BY MR. INNES:

21 Q. Did you receive training from lawyers
22 regarding the DEA's suspicious order monitoring
23 policies?

24 A. And when you say "training," define to me
25 what you mean by "training" to make sure I answer

Page 109

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

17 MS. FUMERTON: Look, I'm saying I think can
18 we have a two-minute conversation which will make
19 your life a lot more easier right now that off --
20 if we want to take a short break.

21 MR. INNES: I'll give you -- we'll go off
22 the record for two minutes.

23 MS. FUMERTON: Okay.

24 THE VIDEOGRAPHER: Going off the record.
25 The time is 10:40.

28 (Pages 106 to 109)

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| <p style="text-align: right;">Page 110</p> <p>1 (Recess from 10:40 a.m. until 10:43 a.m.)</p> <p>2 THE VIDEOGRAPHER: Going back on the record,</p> <p>3 beginning of Media File Number 4. The time is</p> <p>4 10:43.</p> <p>5 BY MR. INNES:</p> <p>6 Q. Mr. Ducote, back on the record.</p> <p>[REDACTED]</p> | <p style="text-align: right;">Page 112</p> <p>[REDACTED]</p> <p>25 MS. FUMERTON: Okay. Objection; form. And</p> |
| <p style="text-align: right;">Page 111</p> <p>[REDACTED]</p> | <p style="text-align: right;">Page 113</p> <p>1 I object to the extent that you're asking a</p> <p>2 privileged question. He earlier testified he did</p> <p>3 not read the complaint. And so the extent that</p> <p>4 he has learned about what any allegations are in</p> <p>5 this case from counsel, those communications are</p> <p>6 privileged.</p> <p>7 MR. INNES: Limit the speaking objections,</p> <p>8 if you don't mind.</p> <p>9 MS. FUMERTON: Okay. Fine. I'm objecting</p> <p>10 to that question as privileged and instructing</p> <p>11 him not to answer.</p> <p>12 BY MR. INNES:</p> <p>[REDACTED]</p> |

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[REDACTED]

Page 116

[REDACTED]

Page 115

[REDACTED]

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[REDACTED]

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[REDACTED]

Page 120

[REDACTED]

Page 119

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Page 121

[REDACTED]

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| <p>Page 122</p> <p>[REDACTED]</p> | <p>Page 124</p> <p>[REDACTED]</p> |
| <p>Page 123</p> <p>[REDACTED]</p> | <p>Page 125</p> <p>[REDACTED]</p> |

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|-----------------------------------|-----------------------------------|
| <p>Page 126</p> <p>[REDACTED]</p> | <p>Page 128</p> <p>[REDACTED]</p> |
| <p>Page 127</p> <p>[REDACTED]</p> | <p>Page 129</p> <p>[REDACTED]</p> |

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| <p>Page 130</p> <p>[REDACTED]</p> | <p>Page 132</p> <p>[REDACTED]</p> |
| <p>Page 131</p> <p>[REDACTED]</p> | <p>Page 133</p> <p>[REDACTED]</p> |

34 (Pages 130 to 133)

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| <p>Page 134</p> <p>[REDACTED]</p> | <p>Page 136</p> <p>[REDACTED]</p> |
| <p>Page 135</p> <p>[REDACTED]</p> | <p>Page 137</p> <p>[REDACTED]</p> <p>21 MS. FUMERTON: Just for a clarification for 22 the record, there is writing on this document, 23 and so didn't -- it looks like an e-mail, so 24 would it have been something that would have come 25 out from ours, but maybe it did; do you know?</p> |

35 (Pages 134 to 137)

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|---|--|
| <p style="text-align: right;">Page 138</p> <p>1 Q. I am not going to say for sure but --</p> <p>2 MS. FUMERTON: Are we confident this is not</p> <p>3 on there? We're confident this is not on there.</p> <p>4 MR. INNES: Yeah.</p> <p>5 MS. FUMERTON: Okay.</p> <p>6 MR. INNES: I'm going to clean it up.</p> <p>7 I'm confident that that was not on there,</p> <p>8 and that's our mistake. That's a copy of a</p> <p>9 draft. That is not part of the original</p> <p>10 document. We can get the original document.</p> <p>11 MS. FUMERTON: That's fine, or we can just</p> <p>12 stipulate for the record. We don't need to be</p> <p>13 that complicated. I just wanted to make sure.</p> <p>14 We'll stipulate for the record that that --</p> <p>15 MR. INNES: I will stipulate for the record</p> <p>16 that that is a mark that I made and it was copied</p> <p>17 into the witness's exhibit.</p> <p>18 MS. FUMERTON: Okay. And so just to be</p> <p>19 clear, it's an arrow on Page 9159 of Exhibit 6.</p> <p>20 BY MR. INNES:</p> <p>[REDACTED]</p> | <p style="text-align: right;">Page 140</p> <p>[REDACTED]</p> |
| <p style="text-align: right;">Page 139</p> <p>[REDACTED]</p> | <p style="text-align: right;">Page 141</p> <p>1 [REDACTED]</p> |

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| <p>Page 142</p> <p>[REDACTED]</p> | <p>Page 144</p> <p>[REDACTED]</p> |
| <p>Page 143</p> <p>[REDACTED]</p> | <p>Page 145</p> <p>[REDACTED]</p> |

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|-----------------------------------|-----------------------------------|
| <p>Page 146</p> <p>[REDACTED]</p> | <p>Page 148</p> <p>[REDACTED]</p> |
| <p>Page 147</p> <p>[REDACTED]</p> | <p>Page 149</p> <p>[REDACTED]</p> |

38 (Pages 146 to 149)

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| <p>Page 150</p> <p>[REDACTED]</p> | <p>Page 152</p> <p>[REDACTED]</p> |
| <p>Page 151</p> <p>1 [REDACTED]</p> <p>2 MR. INNES: Go off the record for a moment.</p> <p>3 THE VIDEOGRAPHER: Going off record. The</p> <p>4 time is 11:37.</p> <p>5 (Recess from 11:37 a.m. until 11:38 a.m.)</p> <p>6 THE VIDEOGRAPHER: Going back on record,</p> <p>7 beginning of Media File 5. The time is 11:38.</p> <p>8 BY MR. INNES:</p> <p>[REDACTED]</p> | <p>Page 153</p> <p>[REDACTED]</p> |

39 (Pages 150 to 153)

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| <p>Page 154</p> <p>[REDACTED]</p> | <p>Page 156</p> <p>[REDACTED]</p> |
| <p>Page 155</p> <p>[REDACTED]</p> | <p>Page 157</p> <p>[REDACTED]</p> |

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[REDACTED]

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[REDACTED]

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| <p>Page 162</p> <p>[REDACTED]</p> | <p>Page 164</p> <p>[REDACTED]</p> |
| <p>Page 163</p> <p>[REDACTED]</p> | <p>Page 165</p> <p>[REDACTED]</p> |

42 (Pages 162 to 165)

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[REDACTED]

Page 168

[REDACTED]

Page 167

[REDACTED]

Page 169

[REDACTED]

16 MS. FUMERTON: Is this a good time for
17 lunch?

18 MR. INNES: Yeah, before we get too much
19 further into this I think we can break.

20 MS. FUMERTON: Okay.

21 THE VIDEOGRAPHER: Going off record. The
22 time is 12:02.

23 (Recess from 12:02 p m. until 12:40 p m.)

24 THE VIDEOGRAPHER: We're going back on
25 record, beginning of Media File Number 6, the

43 (Pages 166 to 169)

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| <p>Page 170</p> <p>1 time is 12:40. 2 BY MR. INNES:</p> <p>[REDACTED]</p> | <p>Page 172</p> <p>[REDACTED]</p> |
| <p>Page 171</p> <p>[REDACTED]</p> | <p>Page 173</p> <p>[REDACTED]</p> |

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|-----------------------------------|-----------------------------------|
| <p>Page 174</p> <p>[REDACTED]</p> | <p>Page 176</p> <p>[REDACTED]</p> |
| <p>Page 175</p> <p>[REDACTED]</p> | <p>Page 177</p> <p>[REDACTED]</p> |

45 (Pages 174 to 177)

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2 Q. Right. I think -- I think we can sort of
3 make our day easier. I am going to narrow these
4 questions are directed to Schedule II and III
5 opioids.

6 MS. FUMERTON: Okay. I just object. We can
7 do that but some of the questions then are broad,
8 so I think we still might need clarifications to
9 do that.

10 Q. If you need clarification, you can ask, but
11 for purposes of the suspicious order monitoring
12 process flow, and the context of this case that
13 deals with opioids and distribution of opioids, I
14 think it's easier to speak -- to not have to preface
15 each one of our questions with that.

16 So you can assume my questions are dealing
17 with Schedule II narcotics in the context of this
18 process flow.

19 A. Okay.

20 Q. If you have -- but if you -- that does not
21 override my initial instruction, don't understand my
22 questions just ask.

23 MS. FUMERTON: My only statement in that
24 regard is that because the order monitoring --
25 I'm not testifying but to the extent that there

Page 180

[REDACTED]

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1 were other drugs or other medicines that were
2 involved in the process, then it might not be as
3 simple as just making an assumption every time
4 you use that word.

5 MR. INNES: Are you talking about
6 combination drugs?

7 MS. FUMERTON: No, I'm just talking more
8 generally, but we can understand that, you know,
9 in general, when you are talking about this, but
10 I still would expect that to have a clear record
11 that we be careful about the language we're
12 using.

[REDACTED]

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[REDACTED]

46 (Pages 178 to 181)

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| <p>Page 182</p> <p>[REDACTED]</p> | <p>Page 184</p> <p>[REDACTED]</p> |
| <p>Page 183</p> <p>[REDACTED]</p> | <p>Page 185</p> <p>[REDACTED]</p> |

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[REDACTED]

Page 188

[REDACTED]

Page 187

[REDACTED]

Page 189

[REDACTED]

7 MS. FUMERTON: And so, again, I just caution
 8 the witness. He mentioned that legal was sitting
 9 at the table. I think there were communications
 10 that were with legal. That's privileged and I
 11 will instruct him to not answer. To the extent
 12 the questions were not -- the answer was not with
 13 legal, then you can go ahead and answer.
 14 Q. I want to be sure I understand your
 15 instruction. If legal posed a question to
 16 Mr. Ducote and anyone else in the room and they
 17 responded, you're saying that would be privileged.
 18 But if Mr. Ducote, of his own volition, offered
 19 information, that would not be privileged?
 20 MS. FUMERTON: I don't know what he's about
 21 to testify, some sort of talk in a hypothetical.
 22 So just sort of as general guidance, if the
 23 discussion or -- with either the attorneys giving
 24 legal advice or the folks seeking legal advice
 25 from the attorneys, all of that is considered

48 (Pages 186 to 189)

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| <p style="text-align: right;">Page 190</p> <p>1 privileged, but outside of that context, then I 2 think you can respond to the question.</p> <p>[REDACTED]</p> | <p style="text-align: right;">Page 192</p> <p>[REDACTED]</p> |
| <p style="text-align: right;">Page 191</p> <p>[REDACTED]</p> | <p style="text-align: right;">Page 193</p> <p>[REDACTED]</p> |

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(Recess from 1:14 p m. until 1:25 p m.)

BY MR. INNES:

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| <p>Page 198</p> <p>[REDACTED]</p> | <p>Page 200</p> <p>[REDACTED]</p> |
| <p>Page 199</p> <p>[REDACTED]</p> | <p>Page 201</p> <p>[REDACTED]</p> |

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[REDACTED]

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[REDACTED]

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[REDACTED]

Page 208

[REDACTED]

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[REDACTED]

Page 209

[REDACTED]

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|-----------------------------------|-----------------------------------|
| <p>Page 210</p> <p>[REDACTED]</p> | <p>Page 212</p> <p>[REDACTED]</p> |
| <p>Page 211</p> <p>[REDACTED]</p> | <p>Page 213</p> <p>[REDACTED]</p> |

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[REDACTED]

Page 216

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Page 215

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55 (Pages 214 to 217)

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| <p>Page 218</p> <p>[REDACTED]</p> | <p>Page 220</p> <p>[REDACTED]</p> |
| <p>Page 219</p> <p>[REDACTED]</p> | <p>Page 221</p> <p>[REDACTED]</p> |

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|-----------------------------------|-----------------------------------|
| <p>Page 222</p> <p>[REDACTED]</p> | <p>Page 224</p> <p>[REDACTED]</p> |
| <p>Page 223</p> <p>[REDACTED]</p> | <p>Page 225</p> <p>[REDACTED]</p> |

57 (Pages 222 to 225)

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Page 226

[REDACTED]

Page 228

[REDACTED]

21 Q. I have not -- I have not gotten an answer to
22 this question.

23 MS. FUMERTON: Well, I disagree, but -- if
24 you can restate your question, but I agree that
25 he's answered this question as much as he can,

Page 227

[REDACTED]

Page 229

1 and there appears to be confusion here.

2 MR. INNES: It's very --

3 MS. FUMERTON: I can't ask your questions
4 for you, but part of the problem --

5 MR. INNES: I'm not asking you to --

6 MS. FUMERTON: Well, I know, but part of the
7 problem is that this is -- I'll just say I'll
8 make any objections to form.

[REDACTED]

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Page 230

[REDACTED]

Page 232

[REDACTED]

2 MS. FUMERTON: Objection to the form of that

3 question.

4 To the extent that question is going to --

5 if answering that question will reveal privileged

6 information, I'm instructing you not to answer

7 that.

8 You can ask him if he's going to follow my

9 instruction not to answer the question, but

10 asking him sort of the legal basis for my

11 instruction is improper.

12 So I'm instructing you not to answer that

13 question.

14 MR. INNES: I was waiting for that.

15 MS. FUMERTON: Oh, no. I did.

16 BY MR. INNES:

17 Q. So you're not -- you're not going to answer

18 the question; is that correct?

19 A. I'm going to take advice from counsel.

20 Q. Do you recall who was in the room when you

21 were provided that advice?

22 MS. FUMERTON: Objection; form. You haven't

23 established what the advice was. That's the

24 whole point of --

25 MR. INNES: I think we did.

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[REDACTED]

14 Q. Who gave you that advice?

15 MS. FUMERTON: Objection to the extent it's

16 calling for privileged information.

17 Otherwise, you can answer the question. If

18 you can't answer the question without revealing

19 privileged information, I instruct you not to

[REDACTED]

Page 233

1 MS. FUMERTON: Well --

2 MR. INNES: We definitely --

3 MS. FUMERTON: -- this is why --

[REDACTED]

7 MS. FUMERTON: Fine.

8 MR. INNES: That's the record.

9 MS. FUMERTON: We're not going to get into

10 the context in which the advice was given.

11 Look, I'll talk to -- I'll talk -- Michael,

12 here's my suggestion on this. I will talk -- I

13 will talk during a break -- if we take one now, I

14 think, for the purposes of --

15 MR. INNES: Not --

16 MS. FUMERTON: -- making things go forward,

17 then we can take a break and ask if there is a

18 way that this can be answered, but without taking

19 a break, based on what was said, I am instructing

20 him not to answer.

21 BY MR. INNES:

[REDACTED]

59 (Pages 230 to 233)

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| <p style="text-align: right;">Page 234</p> <p>[REDACTED]</p> <p>25 MS. FUMERTON: Objection; form. That's</p> | <p style="text-align: right;">Page 236</p> <p>[REDACTED]</p> |
| <p style="text-align: right;">Page 235</p> <p>1 mischaracterizing what his prior testimony was. 2 Well, now, look, because you are -- you are 3 dancing around a privileged issue, and I will 4 protect the privilege -- 5 MR. BOWER: You can object to the form and 6 instruct him not to answer. That's how you do 7 it. Okay? Just move along. 8 MS. FUMERTON: I am trying to move along. 9 MR. INNES: Either object -- 10 MS. FUMERTON: There's a way to get through 11 this. 12 MR. INNES: -- object to the form -- 13 MS. FUMERTON: -- we had a long discussion 14 about this. We can -- 15 MR. BOWER: Either object to form or 16 object -- 17 MS. FUMERTON: Then I'm instructing him not 18 to answer that question. The -- object to form 19 and I am instructing him not to answer that 20 question.</p> <p>[REDACTED]</p> | <p style="text-align: right;">Page 237</p> <p>[REDACTED]</p> |

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|---|--|
| <p style="text-align: right;">Page 238</p> <p>[REDACTED]</p> <p>8 MS. FUMERTON: Are you switching topics? Is</p> <p>9 this time for a good break?</p> <p>10 MR. INNES: No. I'm going to stay on this</p> <p>11 topic.</p> <p>12 (Ducote Exhibit 9 was marked for</p> <p>13 identification.)</p> <p>14 BY MR. INNES:</p> <p>[REDACTED]</p> | <p style="text-align: right;">Page 240</p> <p>[REDACTED]</p> |
| <p style="text-align: right;">Page 239</p> <p>[REDACTED]</p> | <p style="text-align: right;">Page 241</p> <p>[REDACTED]</p> |

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| Page 242 | Page 244 |
|--|-------------------|
| <p>1 MS. FUMERTON: I'll just make a statement on</p> <p>2 the record, because this is why I objected to</p> <p>3 your assumption earlier. You made a statement</p> <p>4 earlier that you wanted to assume that your</p> <p>5 questions only referred to Schedule II opioids.</p> <p>6 But then you keep asking the witness questions</p> <p>7 and documents that aren't so limited. So I just</p> <p>8 want to make it clear that your assumption</p> <p>9 apparently no longer applies.</p> <p>10 MR. INNES: I'm talking about the metrics</p> <p>11 that were provided here and comparing them to the</p> <p>12 metrics that are here.</p> <p>13 MS. FUMERTON: Limited to Schedule II</p> <p>14 opioid, or are you talking about drugs in</p> <p>15 general? Because this is my problem with your</p> <p>16 assumption.</p> <p>17 MR. INNES: His testimony was the process</p> <p>18 applies equally, and we're talking about apples</p> <p>19 to apples here. We're talking about a logistics</p> <p>20 review, and we're talking about --</p> <p>21 MS. FUMERTON: But you're asking him about</p> <p>22 the amount of time. That's my -- that's the</p> <p>23 clarification I'm trying to make. I'm just</p> <p>24 asking if you're still on the record that that's</p> <p>25 the assumption that you're asking everybody to</p> | <p>[REDACTED]</p> |
| Page 243 | Page 245 |
| <p>1 make when you're talking about -- or as you're</p> <p>2 talking about --</p> <p>3 MR. INNES: I can -- I can make this one</p> <p>4 very clear.</p> <p>5 MS. FUMERTON: Okay.</p> <p>6 BY MR. INNES:</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p> | <p>[REDACTED]</p> |

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Page 246

[REDACTED]

Page 248

[REDACTED]

Page 247

2 [REDACTED]
3 MS. FUMERTON: We've been going a little bit
4 over an hour. Can we take a break?
5 MR. INNES: Yeah. Can you --
6 MS. FUMERTON: Make it short? Yeah, will
7 do.
8 THE VIDEOGRAPHER: Going off the record, the
9 time is 2:30.
10 (Recess from 2:30 p.m. until 2:47 p.m.)
11 THE VIDEOGRAPHER: Going back on record,
12 beginning of Media File Number 8. The time is
13 2:47.
14 BY MR. INNES:
15 Q. Okay, Mr. Ducote. I think we can maybe make
16 one final push here.
A. Okay.
[REDACTED]

Page 249

[REDACTED]

63 (Pages 246 to 249)

Page 252

23 It can be if not properly used. And so that
24 question is almost impossible to answer with just a
25 singular answer.

Page 253

8 A. I don't have direct knowledge if it has. I
9 just know what I -- earlier when we talked about
10 reading different things, that's the only piece I
11 could say. I don't specifically know how many
12 people or anything else that have died from this.

25 Q. Do you agree that heroin is highly

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|-----------------------------------|-----------------------------------|
| <p>Page 254</p> <p>[REDACTED]</p> | <p>Page 256</p> <p>[REDACTED]</p> |
| <p>Page 255</p> <p>[REDACTED]</p> | <p>Page 257</p> <p>[REDACTED]</p> |

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|-----------------------------------|--|
| <p>Page 258</p> <p>[REDACTED]</p> | <p>Page 260</p> <p>[REDACTED]</p> |
| <p>Page 259</p> <p>[REDACTED]</p> | <p>Page 261</p> <p>[REDACTED]</p> <p>25 MR. INNES: Let's just mark this. I'm going</p> |

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| | |
|---|---|
| <p style="text-align: right;">Page 262</p> <p>1 to mark this as Plaintiffs' 10. 2 (Ducote Exhibit 10 was marked for 3 identification.) 4 MR. INNES: It's a quick one-page e-mail. 5 Could I hold one of those? I'm sorry. Tara, I 6 think this is one I didn't make enough copies of. 7 MS. FUMERTON: That's okay. 8 MR. INNES: I'll have to take it back. 9 MS. FUMERTON: That's okay. Yes. I haven't 10 written on mine yet. 11 MR. INNES: Thank you. 12 MS. FUMERTON: Thanks. 13 THE WITNESS: Up until you -- 14 MS. FUMERTON: Wait for a question. 15 THE WITNESS: He did ask me a question. 16 Q. I didn't ask you a question. 17 A. Oh, I thought the previous one -- okay. 18 Sorry.</p>  | <p style="text-align: right;">Page 264</p>  |
| <p style="text-align: right;">Page 263</p>  | <p style="text-align: right;">Page 265</p>  |

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|-----------------------------------|-----------------------------------|
| <p>Page 266</p> <p>[REDACTED]</p> | <p>Page 268</p> <p>[REDACTED]</p> |
| <p>Page 267</p> <p>[REDACTED]</p> | <p>Page 269</p> <p>[REDACTED]</p> |

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|-----------------------------------|-----------------------------------|
| <p>Page 270</p> <p>[REDACTED]</p> | <p>Page 272</p> <p>[REDACTED]</p> |
| <p>Page 271</p> <p>[REDACTED]</p> | <p>Page 273</p> <p>[REDACTED]</p> |

69 (Pages 270 to 273)

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| | |
|-----------------------------------|-----------------------------------|
| <p>Page 274</p> <p>[REDACTED]</p> | <p>Page 276</p> <p>[REDACTED]</p> |
| <p>Page 275</p> <p>[REDACTED]</p> | <p>Page 277</p> <p>[REDACTED]</p> |

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Page 278

[REDACTED]

Page 280

[REDACTED]

Page 279

[REDACTED]

7 MR. INNES: We can go off the record.
8 THE VIDEOGRAPHER: Going off record, the
9 time is 3:26.
10 (Recess from 3:26 p m. until 3:35 p m.)
11 THE VIDEOGRAPHER: Going back on record,
12 beginning of Media File 9. The time is 3:35.
13 BY MR. INNES:
[REDACTED]

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[REDACTED]

71 (Pages 278 to 281)

Page 284

THE WITNESS: All right.

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|-----------------------------------|-----------------------------------|
| <p>Page 286</p> <p>[REDACTED]</p> | <p>Page 288</p> <p>[REDACTED]</p> |
| <p>Page 287</p> <p>[REDACTED]</p> | <p>Page 289</p> <p>[REDACTED]</p> |

73 (Pages 286 to 289)

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Page 290

[REDACTED]

Page 292

[REDACTED]

6 MR. INNES: I have no further questions at
7 the moment. Thank you for your time. I
8 think you have -- it's --
9 MS. FUMERTON: We can just go right now. I
10 mean, this will be five minutes. It won't be
11 that long.
12 MR. INNES: What we did yesterday is we
13 flipped, so you're on camera. It does not matter
14 to me.
15 MS. FUMERTON: I didn't realize that we were
16 on camera.
17 MR. INNES: We are not. I am.
18 MS. FUMERTON: No, well, that's what I
19 meant. I didn't know the questioner was. It's
20 up to you. I'm happy to ask my questions here.
21 I'm happy to flip with you.
22 MR. INNES: It does not matter to me.
23 MS. FUMERTON: I've never been on camera
24 before, actually. Why don't I just stay here.
25 It's going to be five minutes. If we get into a

Page 291

[REDACTED]

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1 longer back and forth, I may be willing to
2 change.
3 THE VIDEOGRAPHER: Are you still on the
4 record?
5 MS. FUMERTON: Yeah, we're still on the
6 record. Sorry. I'm just going to sit here.
7 CROSS-EXAMINATION
8 BY MS. FUMERTON:
[REDACTED]

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3 MS. FUMERTON: I have no further questions.
 4 MR. INNES: Okay.
 5 THE VIDEOGRAPHER: That concludes today's
 6 deposition. Going off the record, the time is
 7 3:07.
 8 (Whereupon, the deposition concluded at
 9 3:07 p.m.)

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1 CERTIFICATE
 2 I, SUSAN D WASILEWSKI, Registered
 3 Professional Reporter, Certified Realtime Reporter,
 4 Certified Realtime Captioner, do hereby
 5 certify that, pursuant to notice, the deposition of
 6 CHAD DUCOTE was duly taken on Friday,
 7 November 16, 2018, at 8:04 a m , before me
 8 The said CHAD DUCOTE was duly sworn by me
 9 according to law to tell the truth, the whole truth
 10 and nothing but the truth and thereupon did testify
 11 as set forth in the above transcript of testimony
 12 The testimony was taken down stenographically by me
 13 I do further certify that the above deposition is
 14 full, complete, and a true record of all the
 15 testimony given by the said witness, and that a
 16 review of the transcript was requested
 17
 18
 19 Susan D Wasilewski, RPR, CRR, CCP, CMRS, FPR, CCR
 20 (The foregoing certification of this transcript does
 21 not apply to any reproduction of the same by any
 22 means, unless under the direct control and/or
 23 supervision of the certifying reporter)
 24
 25

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|---|--|
| <p style="text-align: right;">Page 298</p> <p>1 INSTRUCTIONS TO WITNESS</p> <p>2</p> <p>3</p> <p>4 Please read your deposition over carefully</p> <p>5 and make any necessary corrections. You should</p> <p>6 state the reason in the appropriate space on the</p> <p>7 errata sheet for any corrections that are made.</p> <p>8</p> <p>9 After doing so, please sign the errata sheet</p> <p>10 and date it. It will be attached to your</p> <p>11 deposition.</p> <p>12</p> <p>13 It is imperative that you return the</p> <p>14 original errata sheet to the deposing attorney</p> <p>15 within thirty (30) days of receipt of the deposition</p> <p>16 transcript by you. If you fail to do so, the</p> <p>17 deposition transcript may be deemed to be accurate</p> <p>18 and may be used in court.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p style="text-align: right;">Page 300</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2</p> <p>3 I, _____, do hereby</p> <p>4 acknowledge that I have read the foregoing pages, 1</p> <p>5 through 300, and that the same is a correct</p> <p>6 transcription of the answers given by me to the</p> <p>7 questions therein propounded, except for the</p> <p>8 corrections or changes in form or substance, if any,</p> <p>9 noted in the attached Errata Sheet</p> <p>10</p> <p>11</p> <p>12 _____</p> <p>13 CHAD DUCOTE DATE</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 Subscribed and sworn to before me this</p> <p>19 ____ day of _____, 20__</p> <p>20 My Commission expires: _____</p> <p>21</p> <p>22 _____</p> <p>23 Notary Public</p> <p>24</p> <p>25</p> |
| <p style="text-align: right;">Page 299</p> <p>1 -----</p> <p>2 E R R A T A</p> <p>3 -----</p> <p>4 PAGE LINE CHANGE</p> <p>5 _____</p> <p>6 REASON: _____</p> <p>7 _____</p> <p>8 REASON: _____</p> <p>9 _____</p> <p>10 REASON: _____</p> <p>11 _____</p> <p>12 REASON: _____</p> <p>13 _____</p> <p>14 REASON: _____</p> <p>15 _____</p> <p>16 REASON: _____</p> <p>17 _____</p> <p>18 REASON: _____</p> <p>19 _____</p> <p>20 REASON: _____</p> <p>21 _____</p> <p>22 REASON: _____</p> <p>23 _____</p> <p>24 REASON: _____</p> <p>25</p> | <p style="text-align: right;">Page 301</p> <p>1</p> <p>2 LAWYER'S NOTES</p> <p>3 PAGE LINE</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p> |